

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

DAVID LANGFORD

PLAINTIFF

v.

No. 1:05CV93-M-A

LADDIE HUFFMAN, ET AL.

DEFENDANTS

ORDER OF DISMISSAL

The *pro se* prisoner plaintiff David Langford is housed at the Webster County Correctional Facility. He has filed a complaint under 42 U.S.C. § 1983 challenging the conditions of his confinement. A plaintiff's claim shall be dismissed if "it lacks an arguable basis in law or fact, such as when a prisoner alleges the violation of a legal interest that does not exist." *Martin v. Scott*, 156 F.3d 578 (5th Cir. 1998)(citations omitted). For the purposes of the Prison Litigation Reform Act, the court notes that the plaintiff was incarcerated when he filed this lawsuit.¹

The court must ensure that the plaintiff has exhausted his administrative remedies before examining the merits of his claims. 42 U.S.C. § 1997e(a), *Wright v. Hollingsworth*, 260 F.3d 357 (5th Cir. 2001). In this case the plaintiff acknowledges that he has not completed the grievance process because "you never [file] on this jail until you move." As the plaintiff has not exhausted his administrative remedies, this case is hereby **DISMISSED** under 42 U.S.C. § 1997e(a).

This, the 5th day of May, 2005.

/s/ Michael P. Mills
UNITED STATES DISTRICT JUDGE

¹28 U.S.C. § 1915(g).